

Remarks:

Claims 2, 12, 6, 8 and 16 have been amended in a manner which is believed to overcome claim objections.

As to the Section 112 rejections, Claims 2-4, 6-8, 10-12 and 14-15 have also been amended in a manner which is believed to moot the Section 112 rejection.

Turning to the art rejections, Claims 1, 3, 4, 11-16 and 20 stand rejected as anticipated by U.S. Patent 6,008,182 (Salsman). The rejection is respectfully traversed. The Salsman reference relates to a process for washing dyed fabric or garments containing natural fibers, wherein a water-soluble or water-dispersible polyester resin composition is employed as a dye redeposition inhibiting agent. The polyester used is a reaction product of 20%-50% by weight of terephthalate polymer or waste terephthalate polymer, 10%-40% by weight of at least one glycol and 5-25% by weight of at least one oxyalkylated polyol. The Examiner has correctly stated, in the 103 rejection based on Salsman combined with Fujimori, that Salsman does not disclose that (1) the terephthalic acid makes up more than 90 mol% of the dicarboxylic acid compound, (2) ethylene glycol makes up more than 90 mol% of the diol compounds, and (3) the molecular weight of the polyethylene glycol. However, all of those limitations are present in Claim 1, and accordingly, it is not clear how the Examiner can reject Claim 1 as being anticipated by Salsman. Furthermore, since Claim 3 depends upon Claim 1, as to that dependency, it is likewise not anticipated for reasons stated above.

With respect to Claim 4, that Claim specifically recites that the polyol compounds have at least three hydroxyl groups and that the polyethylene glycol groups are the reaction product of a mono-C1 to C18 alcohol with one hydroxyl group. Again, those limitations are not disclosed in Salsman and accordingly, anticipation of Claim 4 based on Salsman cannot be sustained.

As to independent Claim 12, the limitations of Claim 18, which the Examiner has indicated is allowable if placed in independent form, have now been incorporated into Claim 12. Thus, the anticipation rejection as to Claim 12 based on Salsman is moot. Further, as to dependent Claims 5, 6, 7, 8, 9, 10 and 11, those claims are all dependent upon Claim 4, which as established above is not anticipated by Salsman. Additionally, since Claims 13-16 depend either on Claim 4 or Claim 12, the anticipation argument with respect to those claims based on Salsman is also mooted. Lastly, since Claim 20 is dependent upon either Claim 1 or Claim 12, anticipation by Salsman is also precluded.

It is respectfully submitted that Claims 1, 3, 4, 11-16 and 20 are not anticipated by Salsman.

Claims 2-3, 6-9, 11, 13-17 and 20 stand rejected as obvious over Salsman in view of Fujimori. This rejection is also respectfully traversed. The deficiencies of Salsman have been discussed above. Those deficiencies are not cured by Fujimori.

Fujimori is directed to a polyester resin produced by poly condensing a dicarboxylic acid component containing terephthalic acid and a diol component containing ethylene glycol via an esterification reaction and, as taught by Fujimori, preferably the terephthalic acid component constitutes at least 96 mol% of the dicarboxylic acid component and ethylene glycol constitutes at least 96 mol% of the diol component. However, Fujimori is silent vis-à-vis any teaching of the use of (C) polyethylene glycols having a molecular weight of from 2000 to 8000 g/mol and make up more than 90 weight % of the polyethylene glycol employed.

Furthermore, Fujimori contains no teaching regarding the use of polyols having at least three free hydroxyl groups wherein the hydroxyl groups necessarily react with the carboxylic groups building branched and/or interlinked polymers. In summary, Claim 1 has limitations of:

(A) More than 90 mol% of all dicarboxylic acid groups are terephthalic acid groups and

(C) The polyethylene glycol group has a molecular weight from 2000 to 8000 g/mol. On the other hand, Claim 4 contains the limitations:

(D) The use of polyols having at least three free hydroxyl groups, when the hydroxyl groups necessarily react with the carboxylic groups building branched and/or interlinked polymers.

(B) Polyethylene glycol groups that are the addition product of a mono C1-C18-alcohol with one hydroxyl group.

Thus, the combination of Fujimori and Salsman does nothing to render Claims 2 and 3 obvious, since one or more components (A), (B), (C) or (D) are missing from the references. Claims 2-3 are clearly patentable over Salsman in view of Fujimori.

As to the obvious rejection as to Claims 6-9 and 11, those claims are dependent upon Claim 4. In this regard, neither Salsman or Fujimori teaches components (C) and (D) of Claim 4. Accordingly, there simply is no valid basis upon which to base an obviousness rejecting based on the combination of Salsman and Fujimori as to those claims. As regards Claims 13-17, those claims all depend upon Claim 12, which as currently amended incorporates the features of Claim 18, which the Examiner has indicated allowable if placed in independent form. Accordingly, Claims 13-17 are clearly patentable over Salsman in combination with Fujimori.

In reality, Fujimori teaches away from the Salsman reference in the sense that Salsman requires significant amounts of isophthalic acid, while such is to be avoided according to Fujimori. (See Column 4, lines 36-42). Fujimori is non-analogous art. The polyester resin according to Fujimori is a stiff plastic material used to manufacture molded articles such as bottles, and is clearly unsuitable for use as a dye re-deposition inhibitor. The material is neither water soluble nor

dispersible without special treatments. In short, the polyesters of Salsman, et al. and Fujimori, et al., are completely different molecules from Applicant's claimed composition in view of the difference in structure (branching), the monomers (glycols) and the endo groups (polyethers) to say nothing of the way the monomers are linked.

It is also respectfully submitted that newly added Claims 21-23 are likewise patentable over Salsman, alone or in combination with Fujimori. Claim 21, dependent upon Claim 4, specifically recites that the preferred dicarboxylic acid compound is terephthalic acid and its derivatives while Claim 22, dependent upon Claim 21, sets forth the quantity; i.e., being greater than 90 mol%. Having demonstrated that Claim 4 is patentable over the applied references, it is also respectfully submitted that Claims 21-22 are likewise patentable over those references.

Newly submitted independent Claim 23 is likewise patentable over the cited references. Claim 23 is essentially a combination of Claim 4 and Claim 5. Since the Examiner has indicated the allowability of Claim 5 if placed in independent form, and since Claim 23 simply reflects that, it is respectfully submitted that Claim 23 is likewise in condition for allowance.

Applicant notes with appreciation the allowability of Claims 5 and 18 and respectfully submits that with the current amendments, all claims are in condition for allowance. Accordingly, an early Notice of Allowance is respectfully requested and earnestly solicited.

Respectfully submitted,

/C. James Bushman/
Reg. No. 24,810

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BROWNING BUSHMAN P.C.
5851 San Felipe, Suite 975
Houston, TX 77057
Tel.: (713) 266-5593
Fax: (713) 266-5169